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C O N F I D E N T I A L PARIS 002034

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STATE FOR EUR/WE, S/CT AND S/WCI

E.O. 12958: DECL: 03/24/2015

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SUBJECT: EX-GTMO DETAINEES UPDATE: 6 IN PRETRIAL DETENTION

REF: PARIS 1699

Classified By: POLITICAL MINISTER-COUNSELOR JOSIAH ROSENBLATT, FOR REAS  
ONS 1.4 B/D

¶1. (C) The Paris Court of Appeal on March 25 ordered ex-GTMO detainee Ridouane Khalid imprisoned pending investigation of charges of "criminal association with a terrorist enterprise." Returned to France on March 7, Khalid had been released on March 11, though he remained under judicial watch. The court also upheld the detention of Khaled ben Mustafa, who had been turned over to French custody at the same time as Khalid but who had not been freed. At the trial, the prosecution argued that both men posed a threat to public order and should be jailed while their cases are investigated by French authorities.

¶2. (C) Previously, on March 21, a "liberty and detention" judge ruled that the four ex-Guantanamo detainees returned to France in summer 2004 -- Nizar Sassi, Brahim Yadel, Mourad Benchellali and Imad Achab Kanouni -- continue to be held in pretrial detention. In ruling that the detainees should be detained for another four months, the judge said the detainees continued to pose a flight risk and in addition, they were the subject of ongoing judicial investigations. Lawyers for the four detainees said they would appeal. These most recent rulings mean that six of the seven French former GTMO detainees are in custody while their investigations continue; the seventh detainee, Mustaq Ali Patel, was determined not to be an enemy combatant by a Combat Status Review Tribunal and was released from French custody after initial questioning following his return to France on March 7. Wolff